

FURUSE *et al.*, SN 10/085,002  
AF Amdt. dated 2 February 2005  
Reply to final OA dated 2 November 2004

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### REMARKS

This Amendment After Final Rejection is responsive to the final Office Action identified above, and is responsive in any other manner indicated below.

### PENDING CLAIMS

Claims 1-14 were pending, under consideration and subjected to examination in the Office Action. Unrelated to any prior art, scope or rejection, appropriate claims have been amended, added or canceled (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-14 remain pending for consideration and examination.

### REJECTION UNDER §112, 1<sup>ST</sup> PARAGRAPH - OBSOLETE VIA AMENDMENT

Claims 1-4 and 6-11 are rejected under 35 USC §112, first paragraph, for the concerns listed within Item 2 on page 2 of the Office Action. Traversal is appropriate, but such rejection has been rendered obsolete by the present clarifying amendments to Applicant's claims. In order to preclude renewal of any such rejection, Applicant respectfully submits the following comments to show that Applicant's invention was sufficiently described/taught within Applicant's original disclosure. More particularly, Claim 1 has been clarified to indicate that the shower plate is provided to a lower surface of the electrode which is closest to the sample stage. Claim 4 has been clarified to indicate that the shower plate is arranged in a

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surface of the electrode closes to the sample stage. These clarifying changes find support throughout the application as filed, e.g., in the specification at page 12, lines 22-25, which states, "The lower surface (the surface nearer to the lower electrode 10) of the antenna 3 is provided with a shower plate 31...." Further, FIGs. 1 and 2, for example, clearly show the shower plate 31 provided on antenna 3's surface which is closest to the lower electrode. Accordingly, the clarifying changes to the claims obviate the rejection.

Based upon the foregoing, reconsideration and withdrawal of the rejection under §112, first paragraph, are respectfully requested.

#### **REJECTION UNDER §112, 2ND PAR. OBIATED VIA CLAIM AMENDMENT**

Claims 4, 5 and 9-11 have been rejected under 35 USC §112, second paragraph, as being indefinite for the concerns listed within Items 4 and 5 on page 2 of the Office Action. Claims 4, 5 and 9-11 have been carefully reviewed, and as indicated above, Claim 4 has been carefully amended where appropriate in order to address the Office Action listed concerns. A clarifying amendment also has been made to Claim 5, as suggested by the Examiner to overcome the rejection under §112, second paragraph, and Applicant thanks the Examiner for such consideration. Furthermore, care has been taken to avoid any 35 USC §112, second paragraph concerns with respect to the clarifying amendments. As the foregoing is believed to have addressed all §112 second paragraph concerns, reconsideration and withdrawal of the §112 second paragraph rejection and allowance of all of present Claims 4, 5 and 9-11 are respectfully requested.

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### ALLOWED CLAIMS

At Item 6 on page 3 of the Office Action, Claims 1-14 are indicated as being allowable in the application if rewritten or amended to overcome the rejections under 35 USC §112. As indicated above, Claims 1, 4 and 5 (and thus all claims dependent therefrom) have been carefully reviewed and amended to clarify the claims in a manner believed to overcome all §112 issues. Accordingly, reconsideration of the §112 rejections and allowance of the claims are respectfully requested. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

### ALL CLAIMS IN CONDITION FOR ALLOWANCE

In view of the fact that all §112, 2<sup>nd</sup> paragraph concerns have now been addressed, and the fact that no prior art has been applied in rejection of Applicant's claims, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

### EXAMINER INVITED TO TELEPHONE

Given that this application is so close to allowance, if there are any issues remaining, the Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

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### RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

This Amendment After Final Rejection is being submitted within the shortened statutory period for response to the final Office Action mailed 2 November 2004, and accordingly, no Petition for extension of time is required for entry of this paper. To whatever other extent is actually appropriate, Applicant respectfully petitions the

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Commissioner for an extension of time under 37 CFR §1.136. Also, no additional fees are required for entry of this paper. Please charge any actual and appropriate deficiency in fees to ATS&K Deposit Account No. 01-2135 (as No. 500.41298X00).

Respectfully submitted,



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